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DIGEST OF OTHER RECENT VIRGINIA DECISIONS

Supreme Court of Appeals.

Note.—In this department we give the syllabus of every case decided by the Virginia Supreme Court of Appeals, except of such cases as are reported in full.

BARNETT et al. v. BLAIN et al.

Nov. 20, 1919.

[101 S. E. 239.]

Wills (§ 616 (4)*)—Absolute Estate by Gift of Personalty for Life with Power of Disposition and Limitation Over.—Where testator gave his wife all his realty and personalty, to hold and use for her benefit for her natural life, expressing the wish that the property should on her death be divided equally among his children, but that she should have the privilege to dispose of any of the personalty during her life, the widow took an absolute estate in the personalty.

[Ed. Note.—For other cases, see 5 Va.-W. Va. Enc. Dig. 166; 13 Va.-W. Va. Enc. Dig. 829. For present law on this subject, see Va. Code § 5147, Revisor's note.]

Appeal from Circuit Court, Nelson County.

Suit between Oscar L. Barnett, administrator, etc., and others, and Harry L. Blain and others. From the decree, the former appeal. Reversed, and cause remanded for further proceedings.

L. Grafton Tucker, of Lovingson, for appellants.

S. B. Whitehead, of Lovingson, for appellees.

POOLE v. PERKINS.

Nov. 20, 1919.

[101 S. E. 240.]

1. Contracts (§§ 2, 144*)—Governed by Law of Place of Execution or Performance.—Every contract as to its validity, nature, interpretation and effect—the right, in contradistinction to the remedy—is governed by the law of the place where made, unless to be performed in another place, when it is governed by the law of the place of performance.

[Ed. Note.—For other cases, see 3 Va.-W. Va. Enc. Dig. 106, 107.]

2. Contracts (§ 2*)—Capacity to Contract Determined by Lex Loci Contractus.—The capacity of parties to contracts is, with some few

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.